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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,266

10/25/2005

Kenneth T. Douglas

39-317

2787

23117 7590 10/26/2009  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

JOHANNSEN, DIANA B

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

10/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10554266	10/25/05	DOUGLAS ET AL.	39-317

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

**EXAMINER**

Diana B. . Johannsen

ART UNIT	PAPER
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1634

20091022

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

- 1) Please see the enclosed Notice of Non-Compliant amendment.
- 2) Regarding the specification amendments of July 17, 2009 (Box 1), it is noted that changes to the title of the invention are encompassed by 37 CFR 1.121(b)(1). Accordingly, changes to the title must be properly illustrated by markings (see also MPEP 714). (It is also noted that applicant's amendments referencing page 18, line 24 have been interpreted as a request to delete a paragraph and add several new paragraphs, such that these amendments are compliant with 37 CFR 1.121(b)).
- 3) Regarding the claim amendments of July 17, 2009 (Box 4), the amendments do not comply with 37 CFR 1.121(c)(2) because text has been added to claim 7, step (c), without the change being illustrated by markings. Particularly, a mark (either a period or comma) appears at the end of the second line of step (c); this punctuation is newly added to the claim, but is not underlined. (It is further noted that it is not clear whether the added material is a comma or a period, as the quality of the amendment text is poor in this area). Accordingly, a corrected claim set that properly (and clearly) illustrates all changes relative to the immediate prior version of the claims (i.e., the claim set of October 25, 2005) is required.
- 4) Since the reply filed on July 17, 2009 appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
- 5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday and Thursday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen, can be reached at 571/272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diana B. Johannsen/  
Primary Examiner, Art Unit 1634

